

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
FILED

DEC - 9 2014

David J. Bradley, Clerk
Laredo Division

REC

UNITED STATES OF AMERICA

V.

FIDEL TORRES

§
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§

CRIM. ACTION NO. 5:05-CR-1659-7


ORDER

Defendant has filed a motion for a sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines. For the following reason(s), Defendant's motion (Dkt. No. 338) is hereby **DENIED**:

- ____ Defendant's projected release date is prior to November 1, 2015. *See* U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(e)(1).
- ____ The Amendment does not lower Defendant's guideline range because of a controlling statutory minimum. *See id.* § 5G1.1(b).
- ____ The low end of Defendant's amended guideline range is greater than the sentence Defendant received, and Defendant did not receive a downward departure based on substantial assistance to the Government. *See id.* § 1B1.10(b)(2)(A)–(B).
- ____ The Amendment does not lower Defendant's guideline range based on the quantity of drugs used to calculate Defendant's original guideline range.
- ____ Defendant was not sentenced based on a guideline range calculated using the Drug Quantity Tables in § 2D1.1 or § 2D1.11.
- X Defendant qualifies for sentence reduction, but the Court will not grant the reduction because of behavior while in custody. *See* 18 U.S.C. § 3553(a).

It is so **ORDERED**.

SIGNED this 21st day of December, 2014.



George P. Kazen
Senior United States District Judge